

“RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING”



**CITY OF EL PASO, TEXAS
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

M E M O R A N D U M

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner

SUBJECT: Council Agenda Items Introductions (Ordinances)
Introduction: November 2, 2004
Public Hearing: **November 23, 2004**

DATE: October 25, 2004

The following items have been scheduled for City Council action as noted above.
Relevant information is attached. If you have any questions, please contact me at 541-4723.

- 1. AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00113, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 1A, S.J. LARKIN SURVEY #265, AND ALL OF TRACTS 1B, 2C AND 4M, S.J. LARKIN SURVEY #265, EL PASO, EL PASO COUNTY, TEXAS (SOUTH OF BEAR RIDGE DRIVE AND EAST OF DESERT CANYON ROAD) PURSUANT TO SECTION 20.12.040 AND 20.22.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. (DISTRICT 1)**

 - 2. ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00129, TO ALLOW FOR A PUBLIC OR GOVERNMENTAL USE ON LAFAYETTE TRACT 1, EL PASO, EL PASO COUNTY, TEXAS (7901 SAN JOSE ROAD) PURSUANT TO SECTION 20.22.040. THE PENALTY IS AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE. (DISTRICT 7)**
- c: George Sarmiento, Planning Director; Rudy Valdez, Chief Urban Planner; Esther Guerrero, Planning Tech.;
Lisa A. Elizondo, City Attorney; Theresa Cullen-Garney, Deputy City Atty.; Matt Watson, Assistant City Atty.



PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: October 25, 2004

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner

SUBJECT: **ZON04-00113:** A portion of Tract 1A, S.J. Larkin Survey #265, and
a Portion of Tracts 1B, 2C, and 4M, S.J. Larkin Survey #265

LOCATION: Bear Ridge Lane & Oak Ridge Lane (District 1)

PROPOSED USE: Private Streets R-3 (Residential) / A-2 (Apartment)

The City Plan Commission (CPC), on October 14, 2004, voted 5-0 to recommend **APPROVAL** of ZON04-00113, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request the best interest, health, safety and welfare of the public in general; and that Private Streets is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

Attachment: Ordinance, Staff Report

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00113, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 1A, S.J. LARKIN SURVEY #265, AND ALL OF TRACTS 1B, 2C AND 4M, S.J. LARKIN SURVEY #265, EL PASO, EL PASO COUNTY, TEXAS (SOUTH OF BEAR RIDGE DRIVE AND EAST OF DESERT CANYON ROAD) PURSUANT TO SECTION 20.12.040 AND 20.22.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Arco Developers II Limited Partnership, the Applicant, has applied for a Special Permit under Sections **20.12.040** and **20.22.040** of the El Paso Municipal Code, to allow for a planned residential development to include private streets;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended **approval** of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-3A (Residential) and A-2/sc (Apartment/special permit)** District:

A portion of Tract 1A, S.J. Larkin Survey #265, and a Portion of Tracts 1B, 2C, and 4M, S.J. Larkin Survey #265 El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A";

2. That a planned residential development is authorized by Special Permit in **R-3A (Residential) and A-2/sc (Apartment/special permit)** districts under Sections **20.12.040** and **20.22.040** of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Sections **20.12.040** and **20.22.040** have been satisfied; and

4. That the City Council hereby grants a Special Permit under Sections **20.12.040** and **20.22.040** of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

5. That the applicant is to coordinate with the Engineering Department, Traffic Division on the placement of a guard station at the entrance of the subject development so as not to obstruct or impede the circulation of vehicles into and from the subject development; and

6. That this Special Permit is issued subject to the development standards in Sections **20.12.040** and **20.22.040** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

8. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00113** the City of El Paso is entitled to remove this special permit, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this _____ day of **November, 2004.**

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

(Signatures continued on following page)

APPROVED AS TO CONTENT:

Jorge E. Rousselin, Urban Planner
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:

Matt Watson, Assistant City Attorney

AGREEMENT

Arco Developers II Limited Partnership, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in an **R-3A (Residential) and A-2/sc (Apartment/special permit)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this day of , 2004.

By: _____
Arco Developers II Limited Partnership

Acknowledgment

[illegible]

This instrument is acknowledged before me on this _____ day of _____, 2004, by _____ as _____, on behalf of **Arco Developers II Limited Partnership**, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

Property Description: A portion of Tract 1A and all of Tracts 1B, 2C and 4M,
S.J. Larkin Survey No. 265, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 1A and all of Tracts 1B, 2C and 4M, S.J. Larkin Survey No. 265, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Bear Ridge Drive and Oak Ridge Drive; Thence, South 29°02'11" West along the centerline of Oak Ridge Drive, a distance of 100.92 feet to a point; Thence, South 60°57' 49" East a distance of 30.00 feet to a point lying on the easterly right-of-way line of Oak Ridge Lane; Thence, 32.53 feet along said right-of-way line and along the arc of a curve to the left having a radius of 315.00 feet, a central angle of 05°55'00" and a chord which bears South 26°04'41" West, a distance of 32.51 feet to a set 5/8" iron with SLI cap lying, said point lying on the westerly boundary line for Ridge View Estates Unit Twenty Two and also being Ethe TRUE POINT OF BEGINNING of this description:

Thence, 4.54 feet along said right-of-way line and along the arc of a curve to the right having a radius of 315.00 feet, a central angle of 00°49'30" and a chord which bears South 22°42'26" West, a distance of 4.54 feet to a found 5/8" iron with Landmark cap ;

Thence, South 67°42'09" East a distance of 120.09 feet to a set 5/8" iron with SLI cap lying on the westerly right-of-way line of the existing 50-foot drainage channel;

Thence, South 89°54'36" East, a distance of 53.42 feet to a set 5/8" iron with SLI cap lying on the southerly right-of-way line of the existing drainage channel and also being the southerly boundary line of Ridge View Estates Unit Twenty Two;

Thence, South 70°39'47" East, along said boundary line, a distance of 166.71 feet to a set 5/8" iron with SLI cap;

Thence, South 79°24'18" East, continuing along said boundary line, a distance of 190.85 feet to a set 5/8" iron with SLI cap;

Thence, South 82°50'54" East, continuing along said boundary line, a distance of 149.69 feet to a set 5/8" iron with SLI cap;

Thence, South 83°09'18" East, continuing along said boundary line, a distance of 167.13 feet to a set 5/8" iron with SLI cap;

Thence, South 06°50'42" West, a distance of 166.00 feet to a set 5/8" iron with SLI cap;

Thence, North 83°09'18" West a distance of 39.33 feet to a set 5/8" iron with SLI cap;

Thence, South 06°50'42" West a distance of 124.00 feet to a set 5/8" iron with SLI cap;

Thence, North 83°09'18" West a distance of 170.00 feet to a set 5/8" iron with SLI cap;

Thence, South 07°50'17" East, a distance of 488.14 feet to a set "X" in concrete said point lying on the northerly right-of-way line of the existing 50 foot drainage channel and the northerly boundary line of Ridge View Estates Unit Six;

Thence, South 81°08'44" West, along said boundary line, a distance of 1205.26 feet to a found 5/8" iron with SLI cap;

Thence, South 00°03'24" West, a distance of 11.04 feet to a set "x" in concrete lying on the northerly boundary line of The Highlands Unit Seven;

Thence, North 89°45'02" West, along said boundary line, a distance of 306.90 feet to a point for a curve, said point being a set "x" in concrete;

Thence, 4.13 feet along the easterly right-of-way line of the existing 50 foot drainage channel adjacent to The Highlands North Unit Three and along the arc of a curve to the right, having a radius of 2.00

Exhibit "A"

feet, a central angle of $118^{\circ}24'57''$ and a chord which bears North $30^{\circ}32'34''$ West, a distance of 3.44 feet to a set "X" in concrete;

Thence, North $28^{\circ}39'55''$ East, along said right-of-way line, a distance of 499.78 feet to a point for a curve said point being a set "X" in concrete;

Thence, 85.65 feet continuing along said right-of-way and along the arc of a curve to the right, having a radius of 175.00 feet, a central angle of $28^{\circ}02'30''$ and a chord which bears North $42^{\circ}41'10''$ East, a distance of 84.80 feet to a set "X" in concrete;

Thence, North $56^{\circ}42'25''$ East, continuing along said right-of-way line, a distance of 457.15 feet to a point lying on the easterly boundary line of Highlands North Unit Three, said point being a set "X" in concrete;

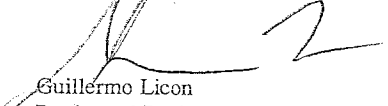
Thence, North $00^{\circ}00'33''$ East, along said boundary line a distance of 439.82 feet to a point lying on the southerly boundary line of Ridge View Estates Unit Eleven;

Thence, South $66^{\circ}52'49''$ East, along the said boundary line, a distance of 188.77 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 24.994 acres (1,088,720 sq. ft.) of land more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

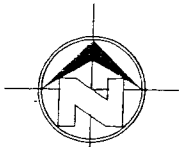
SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998

July 28, 2004
Job Number 09-04-2170

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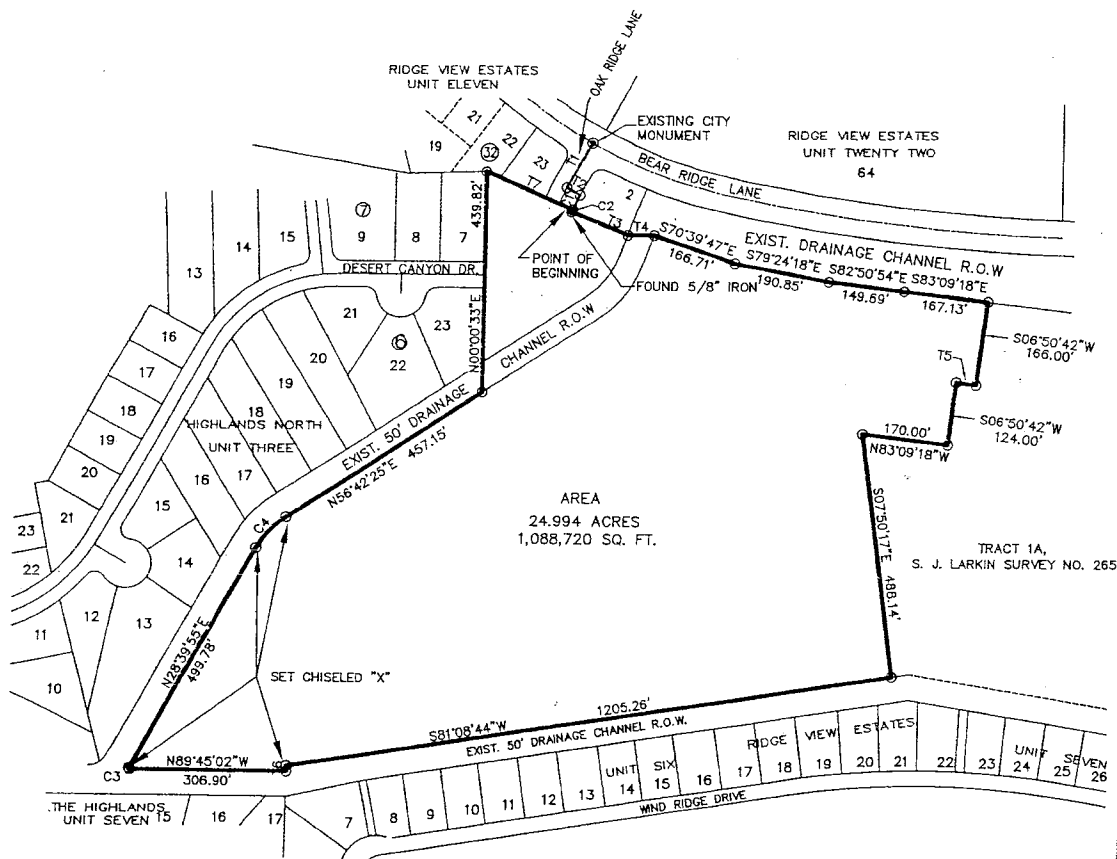




SCALE: 1" = 300'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	315.00'	32.53'	16.28'	32.51'	S26°04'41"W	5°55'00"
C2	315.00'	4.54'	2.27'	4.54'	S22°42'26"W	0°49'30"
C3	2.00'	4.13'	3.36'	3.44'	N30°32'34"W	118°24'57"
C4	175.00'	85.65'	43.70'	84.80'	N42°41'10"E	28°02'30"

LINE TABLE		
TANGENT	BEARING	DISTANCE
T1	S28°02'11"W	100.92'
T2	S60°57'49"E	30.00'
T3	S67°42'19"E	120.09'
T4	S89°54'36"E	53.42'
T5	N83°09'18"W	39.33'
T6	S00°03'24"W	11.04'
T7	S66°52'49"E	188.77'



ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0022 E, DATED JANUARY 3, 1997 (REVISED REFLECT LOMR DATED: DECEMBER 21, 1998) THIS PROPERTY LIES IN FLOOD ZONES A AND C.

ZONE A AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
ZONE C AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Copyright 2004 SLI Engineering, Inc.

This map and survey are being provided solely for the use of ACRO DEVELOPERS II LIMITED PARTNERSHIP and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon August 5, 2004.

NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

NOTE: SET 5/8" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

NOTE: A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.



PLAT OF SURVEY

SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

A PORTION OF TRACT 1A AND
ALL OF TRACTS 1B, 2C AND
4M, S. J. LARKIN SURVEY
NO. 265, EL PASO,
EL PASO COUNTY,
TEXAS

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING
BOUNDARY SURVEY WAS PERFORMED
UNDER MY SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

JOB #: 09-04-2170

DR. BY: ET

SCALE: 1"=300'

F.B. #: ---

DATE: 08-06-2004 DWG.:

F:\PROJECTS\RV-14\REV-FINALS\RV14-MB

STAFF REPORT

Special Use Permit #: ZON04-00113

Property Owner(s): Arco Developers II Limited Partnership

Applicant(s): SLI Engineering

Representative(s): Same

Legal Description: A portion of Tract 1A, S.J. Larkin Survey #265

Location: Bear Ridge Lane & Oak Ridge Lane

Representative District: # 1

Area: 24.97 Acres

Zoning: R-3A (Residential) / A-2/sc (Apartment/special contract)

Existing Use: Vacant

Proposed Use: Private Streets

Surrounding Land Uses:

North -	A-2/sc (Apartment/special contract) / Vacant land
South -	A-2 (Apartment) / Residences
East -	A-2/sc (Apartment/special contract) / Vacant land
West-	R-3A (Residential) / Residences

Year 2025 Designation: Residential (Northwest Planning Area)

Special Use Permit: ZON04-00113

General Information:

The applicant is requesting a special permit to allow for private streets which will serve a proposed 45 dwelling unit subdivision. The property is currently zoned R-3A (Residential) and A-2/sc (Apartment/special contract). The site is currently vacant and is 24.97 acres in size. The proposed site plan shows the private streets to be located on Desert Canyon Drive East of Oak Ridge Lane. Access is proposed via Desert Canyon Drive with a proposed guard station at the entrance. There are zoning conditions currently imposed on this property by ordinance No. 9363 per the attached.

Information to the Commission:

The Planning, Research & Development Department has received six (6) letters in **OPPOSITION** to the development of the Tuscany at High Ridge subdivision, and one letter with concerns on the proposed development. Furthermore, the Planning Department has received fourteen (14) phone calls opposing the development and five (5) phone calls for information on the proposed project.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request **for private streets** with the following condition(s).

“That the applicant coordinate the entrance to the private subdivision with the Engineering Department – Traffic Division to facilitate a guard station and traffic flow at the entrance.”

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for residential development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Residential** land uses.

R-3A (Residential) / A-2/sc (Apartment/special contract) permits a planned residential development including private streets by special permit.

The Commission must determine the following:

- A. Will the special permit for a **planned residential development for private streets** protect the best interest, health, safety and welfare of the public in general?

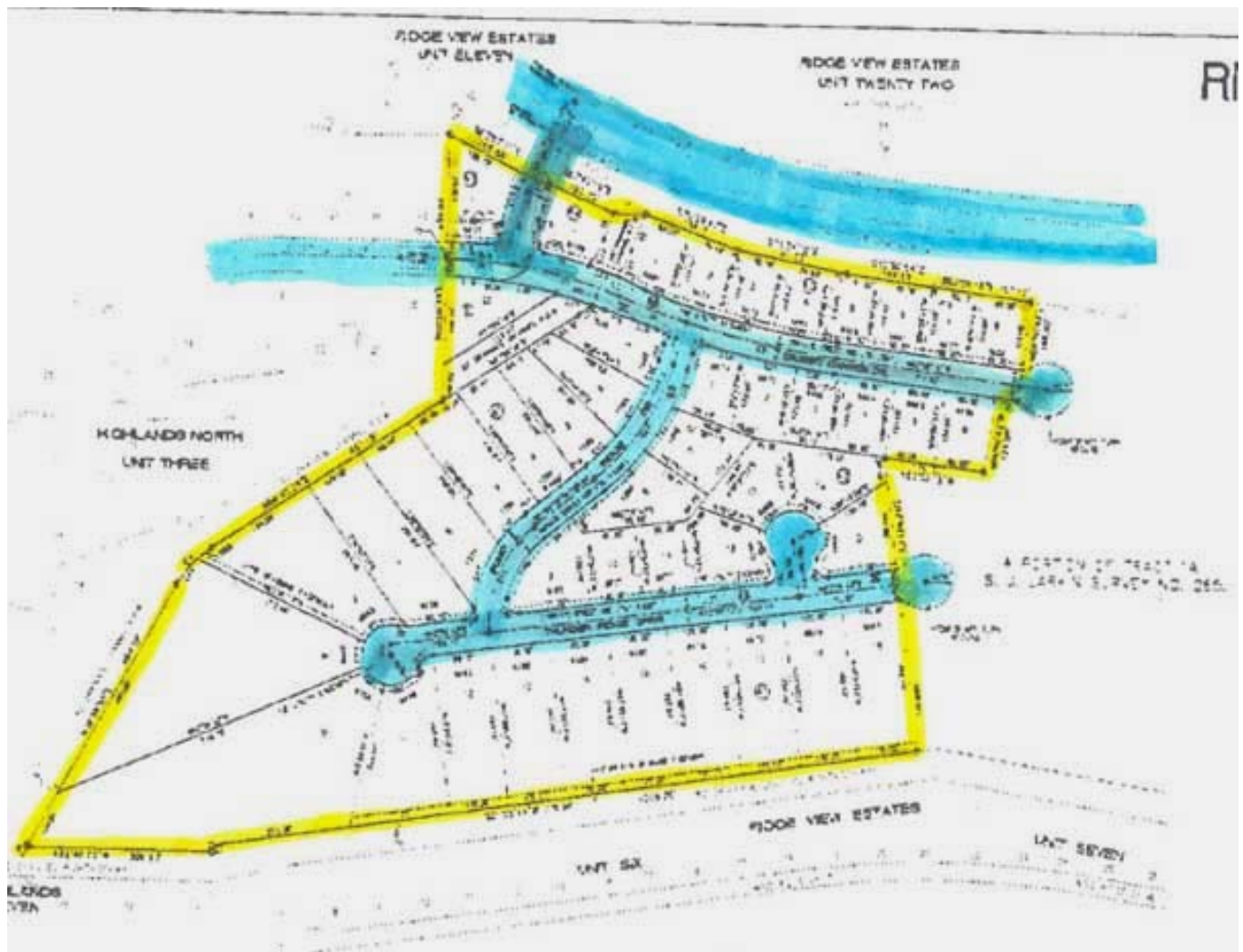
Information To The Applicant:

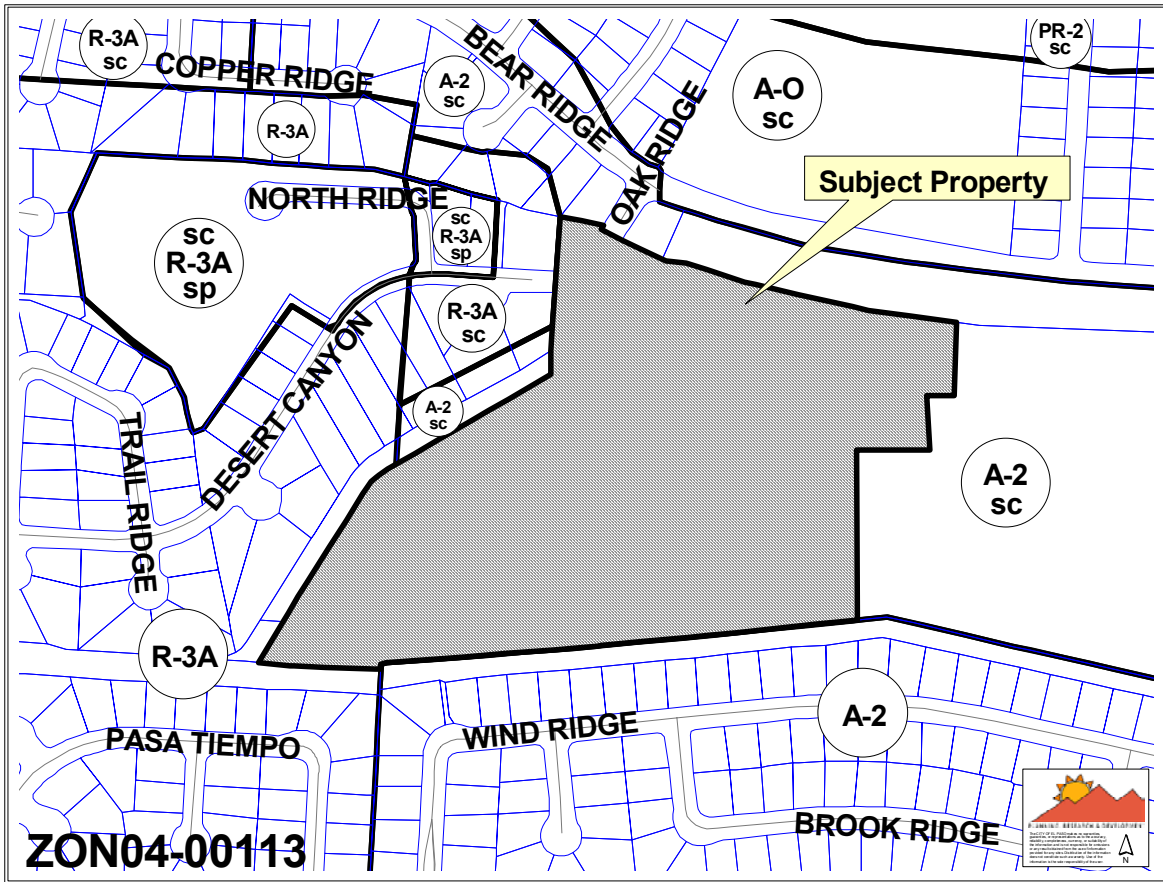
- Building Permits and Inspections Department, Zoning Division Notes:
 - Recommends approval of private streets
- Engineering Department, Development Division Notes:
 - See attachment 1
- Engineering, Traffic Division Notes:
 - See attachment 2
- Fire Department Notes:
 - Site Plan does not adversely affect the Fire Department
- El Paso Water Utilities Notes:
 - See attachment 3
- Planning, Research and Development Department Notes:
 - Applicant shall coordinate the entrance to the private subdivision with the Engineering Department – Traffic Division to facilitate a guard station and traffic flow at the entrance.

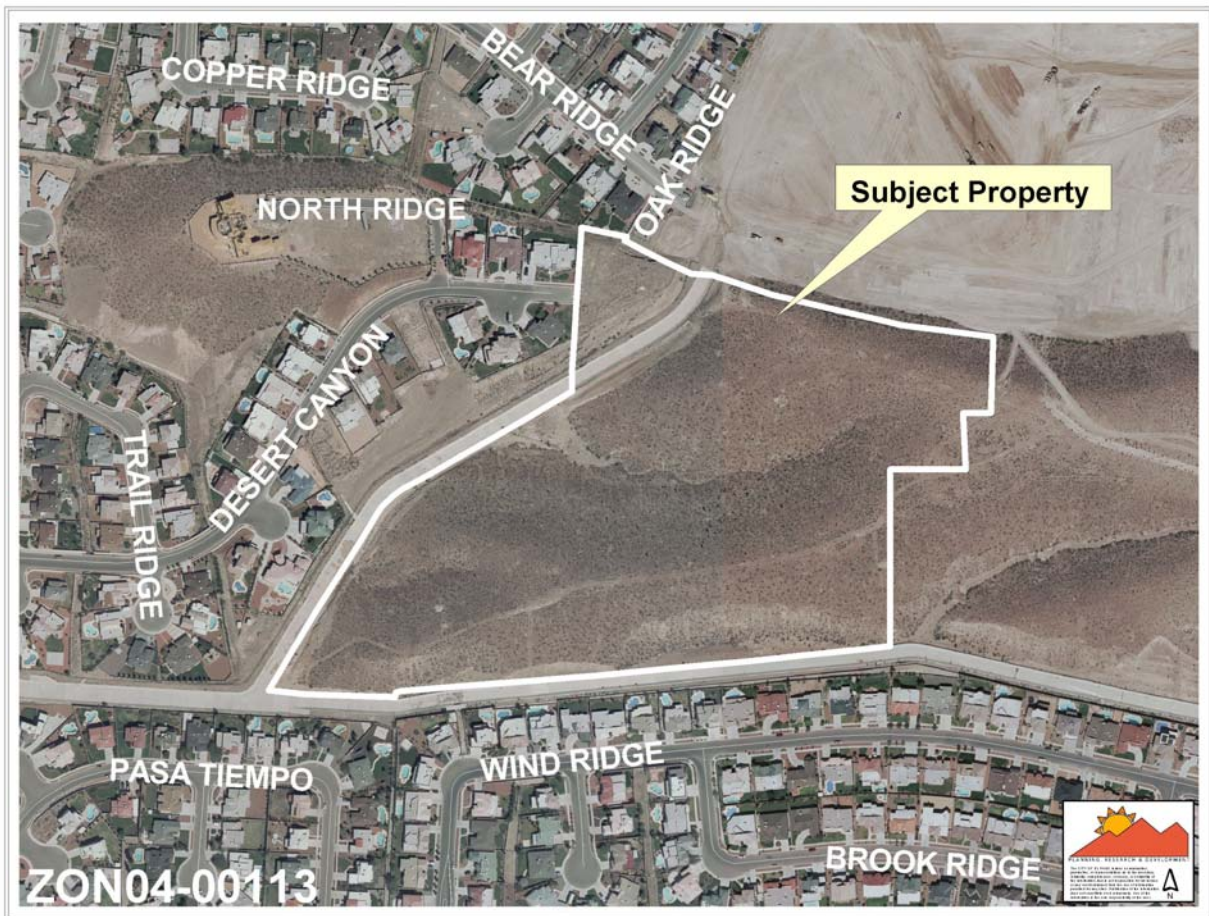
ATTACHMENT: Location Map; Site Plan; Department Comments

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

RI







**Engineering Department
DEVELOPMENT DIVISION
COMMENTS**

TO: **PLANNING DEPARTMENT**

DATE: **August 31, 2004**

FROM: **ENGINEERING DEPARTMENT**

ADDRESS: **Bear Ridge Lane & Oak Ridge Lane**

ATTN: **Kimberly Forsyth, Fred Lopez,
or Jorge Rousellin, Urban Planners**

PROPOSED USE: **Single Fam Res w/ Private St.s**

CASE NO.: **ZON04-00113** ZONE: **R-3 & A-2**

REQUEST: Special Use Permit review – Private Streets

LEGAL DESCRIPTION: A portion of Tract 1A, S. J. Larkin Survey #265.

- ☐ 1. No comments
- ☒ 2. Must be submitted as a subdivision
- ☒ 3. Sidewalks will be required,
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location **is** located within the Special Flood Hazard Area. Zone **A, A2 & C**, Panel **22 E**.

Bashar Abugalyon, P. E.
Interim Assistant City Engineer
HME

DISTRICT: **1**

DHCC Action:

Approved. _____/_____/_____

W/ Modification(s)

Denied _____/_____/_____ Reason _____

Tabled _____/_____/_____ Until _____/_____/_____,
_____ Week(s)



No. Times Tabled _____, _____, _____, _____, _____, _____,

ENGINEERING DEPARTMENT

Traffic Division
memorandum

TO: Fred Lopez, Planner II
Kimberly Forsyth, Planner I
Planning Department

FROM: Traffic Division

DATE: September 24, 2004

SUBJECT: ZON04 – 00113 Bear Ridge Land and Oak Ridge Lane
Special permit to allow private streets

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- **Sidewalks over bridge shall be required**
- **Install “No Parking” signs on bridge**
- **Entrance may be too small for gate or for guard shack**

Should your office or the applicant have any questions or comments regarding these issues, please contact Pilo Guevara or Margarita Molina, at 541-4223.

INTEROFFICE MEMORANDUM

To: Kimberly Forsyth
Urban Planner/Land Development

From: El Paso Water Utilities - Engineering

Date: September 06, 2004

Subject: **ZON04 - 00113 (Special Use Permit)**
Ridge View Estates Unit Fourteen (14).
Being a portion of Tract 1A, S. J. Larkin Survey No. 265, City of El Paso, El Paso County, Texas, 24.970 acres Preliminary, (the Property).

Location: Bear Ridge Lane & Oak Ridge Lane

Present: R-3 (Residential)/A-2 (Apartment); vacant

Request: Private Streets

We have reviewed the site plan described above and provide the following comments:

Water

Along Oak Ridge Street south of Bear Ridge Street there is an existing eight (8) inch diameter water main. This main dead-ends at approximately 120 feet south of Bear Ridge Street.

Along Desert Canyon Street there is an existing eight (8) inch diameter water main. This main dead-ends at approximately 300 feet east of North Ridge Street.

Sanitary Sewer

Along Oak Ridge Street south of Bear Ridge Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 120 feet south of Bear Ridge Street.

Along Desert Canyon Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 300 feet east of North Ridge Street.

General

Private streets are to be designated full width utility easements.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.